

Claims 17, 18, 23-27, 29-33, and 36 were rejected under 35 U.S.C. §103 for obviousness over Meier (5,673,031) in view of Tanaka (5,845,212).

Independent claims 17, 26, 33 and 36 were amended herein to indicate in each claim “the control means of the mobile station selects a base station, from among the plurality of base stations, to which a request for a message channel is to be issued, based on the order of priority of the plurality of base stations included in the announcement information, rather than based on an order of respective receive electric field intensities provided by the plurality of base stations and being equal to or greater than a predetermined receive electric field intensity”.

Support for the amendment to claims 17, 26, 33 and 36 may be found in the original specification, for example the descriptions from page 23 lines 17 to page 24 line 11; FIG. 31 and its corresponding descriptions. In amending the claims new matter was not added.

Meier teaches receiving hello-messages and considering only messages where a minimum signal strength threshold is met (col. 5:9-12). To select a base station when a choice exists the terminal first must consider, in order, cost, then signal strength, then a user defined priority, and finally a base station with a “lowest preset number”(col. 5:20-34).

Meier does not describe or suggest the hello-message or any announcement message with announcement information including an order of priority of said plurality of base stations to the mobile station located in one of said radio zones. Meier simply describes the base stations sending a hello-message. Meier describes a hello-message identifies the sending base station, its current loading and associated cost (col. 4:62-67). This is not the same as information concerning an order of priority of a plurality of base stations as in applicant’s claimed invention. Meier is describing information relevant only to the sending base station.

Additionally since there is no such suggestion of an announcement information with an order of priority, Meier does not describe or suggest the mobile station selecting a base station from among said plurality of base stations... based on the order of priority of said plurality of base stations included in the announcement information transmitted from said plurality of base stations as described in applicant's claimed invention.

Meier, as above described, has the mobile station select a base station compares individualized information received from each base station and a set criteria. This is different from applicant where the base station is selected based on the order of priority of the plurality of base stations, the order of priority included in the announcement information transmitted from the plurality of base stations.

The Office Action asserts Tanaka discloses announcement information is transmitted from the base stations to the mobile stations. However Tanaka col. 2, lines 15-50 describes the announcement as including the measured received power from the mobile and the base transmission power. There is no description of sending announcement information including an order of priority of said plurality of base stations constituting the mobile communication system to a mobile station located in one of the radio zones as described in applicant's claim 36. Nor is there a description of sending announcement information including an order of priority of said plurality of base stations to the mobile station located in one of said radio zones as described in applicant's claims 17, 26, 33.

The combination of Meier and Tanaka does not teach or suggest every feature or element of applicant's claimed invention.

Further, Meier teaches selecting a base station from the plurality of base stations having a signal strength of the base station that exceeds a minimum threshold. According to the teaching of Meier, in selecting a base station from the plurality of such base stations, an option is the base station having a strongest one from among the receive electric field intensities respectively provided by such base stations is selected. If there are a plurality of base stations that provide substantially the same receive electric field intensity, a specific one of the base stations is further selected on the basis of the cost and preset priority order.

In contrast, the control means of the mobile station according to the applicant's claimed invention compares the received electric field intensities of the base stations with a predetermined received electric field intensity, not comparing them with one another. The control means of the mobile station according to the claimed invention selects the base station based on the order of priority of the plurality of base stations included in the announcement information, rather than based on an order of respective received electric field intensities provided by the plurality of base stations and being equal to or greater than a predetermined receive electric field intensity. Meier fails to disclose or suggest the above features of the claimed invention. Tanaka does not cure the deficiencies of Meier mentioned above.

For these reasons, it is respectfully submitted that the present invention is distinguished over the references and the rejection under 35 U.S.C. §103 for obviousness is traversed. For at least the above reasons, applicant's claimed invention is not obvious from the combination of the teaching of Meier and Tanaka and the rejection should be withdrawn.

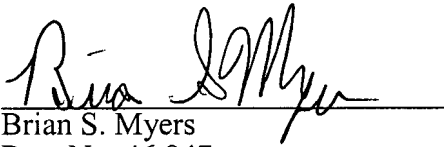
Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Versions with markings to show changes made."

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In view of the amendments and remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

  
Brian S. Myers  
Reg. No. 46,947

**CUSTOMER NUMBER 026304**

Rosenman & Colin LLP  
575 Madison Avenue  
New York, NY 10022-2585  
(212) 940-8703  
Docket No.: FUJI 14.341  
BSM:fd

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